



# CITY OF KYLE

## Notice of Regular City Council Meeting

Kyle City Hall, 100 W. Center Street, Kyle, TX 78640

The public can watch remotely at: Spectrum 10;

<https://www.cityofkyle.com/kyletv/kyle-10-live>. One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on May 3, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 28th day of April, 2022, prior to 8:00 p.m.

### **I. Call Meeting to Order**

### **II. Approval of Minutes**

1. [City Council Regular Meeting Minutes - April 5, 2022. ~ Jennifer Holm, City Secretary](#)

### **III. Citizen Comment Period with City Council**

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

### **IV. Presentation**

2. [Air Quality Awareness Week Proclamation. ~ Robert Rizo, Mayor Pro Tem](#)
3. [National Economic Development Week Proclamation. ~ Dex Ellison, Council Member](#)
4. [Asian Pacific American Heritage Month City Council Proclamation. ~ Dex Ellison, Council Member](#)

5. [Presentation from AT&T regarding its general build plan, the services offered, procedures for notifying residents, and how it will address any issues. ~ Kelly Curbow, AT&T External & Legislative Affairs](#)
6. [Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ J. Scott Sellers, City Manager](#)
  - [La Verde project wins Texas Chapter of the American Society Landscape Architects award](#)
  - [Nitro Swimming Groundbreaking May 10th](#)
  - [Budget Worksession May 12th](#)
  - [City Council Workshop re: TIRZ – May 16th](#)
  - [Downtown Master Plan](#)
  - [Translation available on website](#)
  - [Hays County Torch Run May 6th](#)
  - [Photo opportunities at Mary Kyle Hartson Park](#)
  - [Invasive Plant Removal May 7th](#)
  - [Youth Basketball Clinic May 7th](#)
  - [Seeking Vendors for Market Days](#)
7. [CIP/Road Projects and Consent Agenda Presentation. ~ Leon Barba, P.E., City Engineer](#)

## **V. Consent Agenda**

8. [Approve Amendment No. 1 to Task Order No. 7 to LJA ENGINEERING, INC., Austin, Texas, in the amount not exceed \\$10,020.00, increasing the total contract amount not to exceed \\$128,587.00 for the Schlemmer & Porter St Wastewater Phase 2 Project. ~ Leon Barba, P.E., City Engineer](#)
9. [Approval of Change Order No. 7 to SKYBLUE UTILITIES, INC., Kingsland, Texas, in an additional amount of \\$147,306.16, increasing the total contract amount, not to exceed, \\$6,219,781.24 for the purpose of constructing an 8" wastewater line to serve businesses on Edwards Drive. ~ Leon Barba, P.E., City Engineer](#)
10. [Authorize award and execution of a purchase order to BRZ COATINGS, INC., Watauga, Texas, in an amount not to exceed \\$275,000.00, which includes a 10% contingency to perform all work required for the rehabilitation of the Plum Creek Elevated Storage Tank. ~ Leon Barba, P.E., City Engineer](#)
11. [Approve the conveyance of a 15 foot wastewater line easement to the City of Kyle from Mountain Plum, Ltd. ~ Leon Barba, P.E., City Engineer](#)
12. [Approve a lease agreement between CAPCOG and the City of Kyle for an Air Quality Monitoring Station to be placed at Lake Kyle. ~ Kathy Roecker, Stormwater Management Plan Administrator](#)
13. [Approve a professional services agreement by and between The Boring Company and the City of Kyle. ~ J. Scott Sellers, City Manager](#)

14. Approve an interlocal agreement (ILA) between the City of Kyle and Capital Area Council of Governments (CAPCOG) to allow the City of Kyle to use the Everbridge Regional Notification System. ~ William Paiz-Tabash, Emergency Management Coordinator
15. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 1 acre of land from Agriculture 'A' to Retail Service District 'RS' for property located at 23451 IH-35, in Hays County, Texas. (Winn Family LP - Z-22-0095) ~ Will Atkinson, Senior Planner  
- Planning and Zoning Commission voted 7-0 to recommend approval of the request.  
- City Council voted 7-0 to approve on first reading.
16. Authorize award and execution of a purchase order to ILLUMINATION HOLIDAY LIGHTING, Austin, TX in an amount not to exceed \$29,679.00 for holiday lights for the the KRUG Activity Center and the largest Oak Tree at Mary Kyle Hartson City Square Park. This Council approval will also authorize staff to reprogram funds from the Historic Water Tower Festive Lighting project to provide funding for this expenditure. ~ Mariana Espinoza, Director of Parks & Recreation
17. (Second Reading) An Ordinance Amending Section 47-28 of the Code of Ordinances, Kyle, Texas and Amending the Tow-Away Zone Under Said Section, Relating to the Removal of Vehicles in No Parking Zones, Fire Access Roads, and Fire Lanes; Providing for Enforcement; Containing Findings and Other Provisions Relating to the Foregoing Subject; Providing for Severability; and Providing for Related Matters. ~ Paige Saenz, City Attorney  
- City Council voted 6-1 to approve on first reading.
18. Approve a Memorandum of Understanding between Rural Capital Area Workforce Development Board, Inc., Hays CISD and City of Kyle to work in partnership to implement the Teacher Externship Program. ~ Amber Lewis, Assistant City Manager
19. Authorize the City Manager to apply for and accept a STEP (Selective Traffic Enforcement Program) enforcement grant in an amount no greater than \$5,000.00 from the Texas Department of Transportation and authorize matched funding from the Police Department's approved operating budget for FY 2021-2022 in an amount not to exceed \$1,000 to fund a STEP Grant Program for an enforcement period beginning May 23, 2022 through June 5, 2022. ~ Jeff Barnett, Chief of Police
20. Approval of an Interlocal Agreement between the City of Kyle ("City"), a Home Rule municipality located in Hays County, Texas, and Crosswinds Municipal Utility District. ~ James R. Earp, Assistant City Manager
21. (First Reading) An ordinance of the City of Kyle, Texas Providing for withholding

of Water Taps and Water Meters or Other Reasonable Enforcement Actions to be taken for Crosswinds Municipal Utility District Properties that are out of Compliance with the Rules on Erosion and Sediment Control. ~ James R. Earp, Assistant City Manager

## **VI. Items Pulled from Consent Agenda**

## **VII. Consider and Possible Action**

22. Discussion on requirement for Council to report and update the rest of council after traveling for the City on the following meeting after the trip, to include possible amendment to the rules of council. ~ Daniela Parsley, Council Member
23. Discussion and update from meeting with lobbyist in Washington DC. ~ Daniela Parsley, Council Member
24. Discussion and possible action regarding overhead lines on 150 East. ~ Yvonne Flores-Cale, Council Member
25. Discussion and possible action regarding safety issues on S. Old Stagecoach Road, Conestoga Dr. and Scott Street, to include discussion regarding amendments to the City of Kyle's Transportation Master Plan. ~ Yvonne Flores-Cale, Council Member
26. Discussion and possible action regarding the City implementing a "conflicts check" policy for staff and elected officials. ~ Yvonne Flores-Cale, Council Member
27. Consider and possible action on a Request for Proposal (RFP) seeking to hire an experienced and qualified vendor that can provide a turnkey solution of all equipment, corresponding software and networking, accessories, warranties, and deliveries required to install Electric Vehicle Charging Stations (EVCSs) at City owned facilities, as well as identify prime city-owned locations. ~ Kathy Roecker, Stormwater Management Plan Administrator & Julie Crookston, Assistant Director of Public Works
28. Consider and possible action on an RFP for Construction Manager at Risk for the building project at 104 S. Burleson. ~ Amber Lewis, Assistant City Manager
29. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of assigning original zoning to approximately 1.503 acres of land from Agriculture 'A' to Central Business District-1 'CBD-1' for property located at 1400 W. Center Street, in Hays County, Texas. (Richard and Rita Cuellar Sr. - Z-22-0096) ~ Will Atkinson, Senior Planner  
- Planning and Zoning Commission voted 7-0 to recommend approval of the request.  
- City Council voted 5-2 to approve on first reading.
- 30.

(Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of modifying Section 53-1230 to restrict certain uses, and amend the zoning use chart. ~ Will Atkinson, Senior Planner

- Planning and Zoning Commission voted 4-1 to deny Restrictions for Gas stations.  
Planning and Zoning Commission voted 4-1 to deny Restrictions for Car washes.  
Planning and Zoning Commission voted 5-0 to approve Restrictions Self-storage.  
Planning and Zoning Commission voted 4-1 to deny Bar without restaurant in CBD-2.

Planning and Zoning Commission voted 5-0 to Approve Brew pub in CBD-2.  
Planning and Zoning Commission voted 5-0 to restrict Self-storage.

- City Council voted 6-1 to deny microbreweries in CBD-2.

City Council voted 5-2 to approve the recommended amendments and P&Z recommendation for self-storage on 2/15/22.

City Council voted on 5-1 to approve restrictions for gas stations.

City Council voted on 5-1 to approve restrictions for car washes.

31. (Second Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 201.4 acres of land from Agriculture 'A' to Single Family Residential-1 'R-1-1' for property located at 1899 Six Creeks Blvd, in Hays County, Texas. (Blanco River Ranch Properties, LP - Z-22-0097) ~ Will Atkinson, Senior Planner

- Planning and Zoning Commission voted 5-0 to recommend approval conditioned on full annexation completed first.

- City Council voted 4-3 to approve on First Reading.

32. (Second Reading) An ordinance of the City of Kyle, Texas annexing 119.703 acres of land, more or less located at 1111 and 1113 Roland Lane, approximately 3,000' northwest of the intersection of IH-35 & Roland Lane in Hays County, Texas including the abutting streets, roadways, and rights-of-way into the corporate limits of the City. (Edward Bullock - ANNX-22-0017) ~ Will Atkinson, Senior Planner

- City Council voted 7-0 to approve on first reading.

## **VIII. Executive Session**

33. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.

- o Communication protocol with city attorney and city manager
- o Kyle Housing Authority
- o 1119 N. Old Hwy 81
- o Kyle Pie in the Sky

2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.

3. [Personnel matters pursuant to Section 551.074.](#)
4. [Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.](#)
  - o [Project Fire Engine Red](#)

34. [Take action on items discussed in Executive Session.](#)

## **IX. Adjourn**

*At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held*

\*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC. 551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to: (1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting."